

EXHIBIT 6



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D.L. MIDDLEBROOKS (1926-1997)
DAVID H. LEVIN (1928-2002)
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April 2, 2020

Via Electronic Mail

Laura Flahive Wu
Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001

RE: Response to Request Regarding Priority Deponents

Dear Counsel:

I write on behalf of the Cabell County Commission in response to your letter from March 27th. As an overarching matter, I am notifying you that Cabell County has substantially completed document productions for all custodians and departments with the exception of the following custodians: (1) Gordon Merry and (2) Irv Johnson.

The remaining documents for Gordon Merry consist of a small number of hard copy documents, which are currently being reviewed and will be produced in short order. We are working to coordinate the collection of ESI for Irv Johnson and expect that collection to be completed fairly quickly as well. Otherwise, we only have a few hard drives of data left that are being processed for Cabell County, which will also be produced in the next week or two. As you have requested, we can also confirm the departmental productions are substantially complete for the Cabell County Sheriff's Office and Cabell County EMS.

We do also wish to specifically clarify some representations you have made concerning productions for certain custodians identified in your letter. As to Chuck Zerkle, Jr. we have produced custodial documents both for him and for his assistant Rosann Brooks, as we became aware that Ms. Brooks periodically wrote and received email communications and drafted or maintained other documents on his behalf. Additionally, the volume of custodial documents produced for Doug Ferguson, Nancy Cartmill, and Bob Bailey do not match the numbers you have indicated in your letter.

Our records indicate that a total of 51 custodial documents have been produced for Doug Ferguson. In addition to the documents listed in your letter for Mr. Ferguson, our records also reflect the following custodial documents have been produced for him:

CCCOMM_0015406
CCCOMM_0040478
CCCOMM_0015407
CCCOMM_0015409
CCCOMM_0015410
CCCOMM_0015456
CCCOMM_0015458
CCCOMM_0015460
CCCOMM_0015463
CCCOMM_0015464
CCCOMM_0054268
CCCOMM_0040483
CCCOMM_0015465
CCCOMM_0015468
CCCOMM_0015469
CCCOMM_0015474
CCCOMM_0015475
CCCOMM_0034799
CCCOMM_0015477
CCCOMM_0040489
CCCOMM_0015480
CCCOMM_0015481
CCCOMM_0015483
CCCOMM_0040495
CCCOMM_0015484
CCCOMM_0015487
CCCOMM_0040500
CCCOMM_0040503
CCCOMM_0015490
CCWVPD_0011810

Our records indicate we have produced a total of 280 custodial documents for Nancy Cartmill, rather than the 253 referenced in your letter. The additional custodial documents are listed below for your convenience:

CCCOMM_0044206
CCCOMM_0062055
CCCOMM_0020550
CCCOMM_0001593
CCCOMM_0001597
CCCOMM_0001598
CCCOMM_0001600

CCCOMM_0020554
CCCOMM_0001601
CCCOMM_0001605
CCCOMM_0062059
CCCOMM_0020558
CCCOMM_0044215
CCCOMM_0062062
CCCOMM_0062064
CCCOMM_0001606
CCCOMM_0001609
CCCOMM_0062067
CCCOMM_0026638
CCCOMM_0026640
CCCOMM_0062071
CCCOMM_0062080
CCCOMM_0062085
CCCOMM_0062092
CCCOMM_0044216
CCCOMM_0062097
CCCOMM_0062101
CCCOMM_0052609

Our records indicate that we have produced 650 custodial documents for Bob Bailey, rather than the 582 referenced in your letter. The additional documents are listed below for your convenience:

CCCOMM_0057615
CCCOMM_0057622
CCCOMM_0057626
CCCOMM_0057629
CCCOMM_0057636
CCCOMM_0057643
CCCOMM_0057651
CCCOMM_0057652
CCCOMM_0057659
CCCOMM_0057664
CCCOMM_0057670
CCCOMM_0057672
CCCOMM_0057678
CCCOMM_0057683
CCCOMM_0057684
CCCOMM_0057689
CCCOMM_0057692
CCCOMM_0057696
CCCOMM_0057702
CCCOMM_0057707
CCCOMM_0057709
CCCOMM_0057713

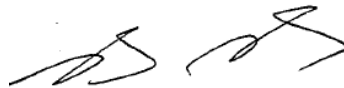
CCCOMM_0057716
CCCOMM_0057719
CCCOMM_0057726
CCCOMM_0057735
CCCOMM_0057741
CCCOMM_0057742
CCCOMM_0057747
CCCOMM_0057750
CCCOMM_0057757
CCCOMM_0057760
CCCOMM_0057762
CCCOMM_0057764
CCCOMM_0057772
CCCOMM_0057783
CCCOMM_0057789
CCCOMM_0057795
CCCOMM_0057802
CCCOMM_0057805
CCCOMM_0057808
CCCOMM_0057811
CCCOMM_0057816
CCCOMM_0057819
CCCOMM_0057825
CCCOMM_0057830
CCCOMM_0057833
CCCOMM_0057836
CCCOMM_0057843
CCCOMM_0057851
CCCOMM_0057856
CCCOMM_0057861
CCCOMM_0057866
CCCOMM_0057872
CCCOMM_0057877
CCCOMM_0019908
CCCOMM_0034917
CCCOMM_0026513
CCCOMM_0026516
CCCOMM_0019911
CCCOMM_0034920
CCCOMM_0019920
CCCOMM_0019929
CCCOMM_0034923
CCCOMM_0019933
CCCOMM_0042066
CCCOMM_0057887
CCCOMM_0057890

As part of our due diligence protocol for ensuring completeness of collections in accordance with our discovery obligations, we inquired as to why certain custodial files presented as they did. In regard to your inquiry as to the volume of documents produced for Bob Bailey and Nancy Cartmill, we identified that as County Commissioners, rather than as full time employees of the County, they typically only use the workstation provided to them by the County on those few days they are present for Commission meetings. Similarly, we determined that they do not send or receive a large volume of emails using their cabellcounty.org email and limit use of that email to only those communications specifically related to County matters, most of which were found to not be responsive to issues germane to this litigation.

Regarding former Cabell County Sheriff Tom McComas, he has indicated to us that certain data of his was lost as the result of a malware attack in 2016. Should we uncover any additional data for Mr. McComas from the remaining hard drives we are currently processing, we will produce that data. Otherwise, we can confirm that the production for Mr. McComas is also substantially complete.

Finally, we once again confirm that no custodial files exist for Kim Wolfe. We can assure you that eDiscovery best practices were utilized to search for files for Mr. Wolfe, which included an inventory of every desk top computer and hard drive assigned to the Sheriff's Office. However, as you are well aware, Kim Wolfe left his position as Sheriff in 2009. Thus, the lack of custodial documents for him and other named custodians who have not been employed by the County for several years is completely understandable given that passage of time alone, as the County does not retain ESI for such an extended period of time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brandon L. Bogle', with a stylized, flowing script.

Brandon L. Bogle
Counsel for Plaintiff